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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,157	05/06/2004	Oliver Birch	CHA920030037US1	7410
<div>7590 McGinn &amp; Gibb, PLLC Suite 304 2568-A Riva Road Annapolis, MD 21401</div>			<div>EXAMINER GAY, SONIA L</div>	
			<div>ART UNIT 2614</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 04/01/2009</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/840,157	<b>Applicant(s)</b> BIRCH, OLIVER	
	<b>Examiner</b> SONIA GAY	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-14, 16, 18-20, 23 and 25-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22, 24 and 28 is/are allowed.
- 6) ☒ Claim(s) 15, 17, 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

This office action is written in response to Amendment submitted on 12/15/2008 in which claims 15, 17, 21-22, 24, and 28 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

1. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation, “wherein said parlay gateway comprises a HTTP server”. However, the purpose for the HTTP server is unclear or the relationship between the HTTP server and other limitations (if any) is unclear. For example, would the HTTP server be receiving the application service request or providing access to another device? The examiner interpreted the claim broadly to include any possible functions for the HTTP server.

#### ***Allowable Subject Matter***

2. Claims 22, 24 and 28 are allowed.

#### ***Claim Rejections - 35 USC § 103***

3. Claims 15, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al.(US 2005/0027867) in view of Examiner's Official Notice, and further in view of McQuillen et al. ( US 7,207,048)

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For claim 15, Mueller et al. discloses a method for providing call control in a telephone network, said method comprising:

directing a telephone call to a service node call (*SCP*, Fig. 5; [0052]);

forwarding an application request from said service node to a parlay gateway

( [0053][0054]);

forwarding a request for instruction from said parlay gateway to a telephony application server (*presence server*, Fig. 5; [0054][0055]);

returning a routing requirement from said telephony application server to said parlay gateway ([0054][0055]);

forwarding said routing requirement from said parlay gateway to said service node ([0054][0055]);

executing said routing requirement using said service node ([0055]);

routing said telephone call based on the results of said routing requirement ( [0055]).

wherein said routing of said telephone call is performed using a service switching point connected to said service node, and wherein said service switching point and said parlay gateway bypass signaling transfer points (Fig.5; [0055]);

wherein said parlay gateway provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network ([0037]).

Yet, Mueller et al. fails to teach

dynamically transforming said routing requirement into an executable routing application using said parlay gateway and forwarding said executable routing requirement;

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wherein said parlay gateway comprises a HTTP server.

However, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention that an executable routing application is a collection of instructions for the purpose of causing a processor to perform a method.

Moreover, McQuillan et al. discloses a parlay gateway comprising an HTTP server (*Abstract*; column 4 lines 15 - 23) for the purpose of providing access to a web server used to control the management and configuration of the gateway (column 8 lines 1-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mueller et al. with the examiner's official notice and the teachings of McQuillan et al. so that the parlay gateway transforms said routing requirement into an executable routing application which are forwarded to the service node as the set of instructions disclosed above in Mueller et al. for the purpose of executing a routing requirement; and, the parlay gateway comprises an HTTP server for the purpose of providing management and configuration of the parlay gateway.

For claim 17, McQuillan et al. further discloses wherein said parlay gateway functions in heterogeneous environments and works with different types of service nodes (McQuillan et al., Figure 1 and column 1 lines 33 - 38).

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4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al.(US 2005/0027867) in view of Examiner's Official Notice, and further in view of McQuillen et al. ( US 7,207,048), and further in view of Bhatia et al. ( US 2008/0076395).

For claim 21, Mueller et al. fails to teach reporting call status from said service node to said parlay gateway.

However, Bhatia et al. discloses a method for the purpose of routing a telephone call wherein a service node is adapted to report call status to said parlay gateway ( Bhatia et al., *call going off hook-event*, [0031]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mueller et al. with the teachings of Bhatia et al. for the service node disclosed above in Mueller et al. to report call status to said parlay gateway for the purpose of routing the telephone call.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 15, 17, and 21 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments with respect to claims 22, 24, and 28 have been fully considered and are persuasive. The rejection of claims 22, 24, and 28 has been withdrawn.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonia Gay whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/  
Examiner, Art Unit 2614

March 26, 2009

/Ahmad F. Matar/  
Supervisory Patent Examiner, Art Unit 2614